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VIA ECF

Hon. Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Hernandez et al. v. 120 East 56th Street Rest. Corp. et al.*
19 Civ. 8121 (RWL)

Dear Judge Lehrburger:

We represent Plaintiffs in the above-referenced matter. We write to request a slight modification of the Court's Order Approving Settlement entered today, June 17, 2020 (ECF No. 39), to include a provision establishing that the Court will retain jurisdiction of this matter for purposes of enforcing the Parties' settlement agreement.

As part of their Settlement Agreement (ECF No. 37-1 at ¶ 10) and in their Proposed Stipulation and Order Dismissing Case (ECF No. 38), the Parties requested that the Court retain jurisdiction of this matter for purposes of enforcing settlement. In light of case law holding that "[a]pproval of settlement agreements pursuant to Cheeks alone is [...] insufficient to give rise to ancillary jurisdiction" for the enforcement of a settlement agreement absent the express retention of jurisdiction by a court, *Thurston v. Flyfit Holdings, LLC*, 18-cv-9044 (PAE)(SN), 2020 WL 2904065, at *3 (S.D.N.Y. June 3, 2020), Plaintiffs respectfully request that the Court's Order Approving Settlement be modified to include a provision establishing that the Court shall retain jurisdiction of this action solely for purposes of enforcing the Parties' settlement agreement.

We thank the Court for its attention and consideration of this matter and for its assistance in helping the Parties reach a resolution in this case.

SO ORDERED:

6/17/2020


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

/s/ Louis Pechman

Louis Pechman

cc: All counsel of record (via ECF)